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7 THE GAP, INC., a/k/a, GAP, INC., GAP INTERNATIONAL
8 SALES, INC., BANANA REPUBLIC, LLC, AND OLD NAVY,
9 LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROOTS READY MADE GARMENTS CO.
W.L.L.,

Case No. C 07-03363 CRB

Plaintiff,

**DEFENDANT GAP, INC.'S FIRST SET
OF INTERROGATORIES**

v.

THE GAP, INC., a/k/a, GAP, INC., GAP
INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC

Defendants.

PROPOUNDING PARTY: DEFENDANT GAP, INC.

RESPONDING PARTY: ROOTS READY MADE GARMENTS CO. W.L.L.

SET NUMBER: ONE

1 Pursuant to Federal Rule of Civil Procedure 33, defendant GAP, INC. hereby requests
 2 that plaintiff ROOTS READY MADE GARMENTS CO. W.L.L. ("Roots") answer each of the
 3 following interrogatories separately, fully and under oath. Roots' responses are due within thirty
 4 days of service of these interrogatories. Fed. R. Civ. P. 33(b)(3). Roots is further subject to a
 5 duty to supplement its responses to these interrogatories pursuant to Federal Rule of Civil
 6 Procedure 26(e).

7 **DEFINITIONS**

8 1. "YOU," "YOUR," "ROOTS" and "ROOTS" refers to plaintiff ROOTS READY
 9 MADE GARMENTS CO. W.L.L., and its subsidiaries, divisions, predecessor and successor
 10 companies, affiliates, parents, any joint venture to which it may be a party, and/or each of its
 11 employees, agents, officers, directors, representatives, consultants, accountants and attorneys,
 12 including any person who served in any such capacity at any time.

13 2. "GAP" and "DEFENDANTS" refers to defendants GAP INTERNATIONAL
 14 SALES, INC., THE GAP, INC., BANANA REPUBLIC, LLC, and OLD NAVY, LLC., and all
 15 of their current and former employees.

16 3. "GABANA" refers to Gabana Gulf Distribution, Ltd., Gabana Distribution, Ltd.,
 17 and their subsidiaries, divisions, predecessor and successor companies, affiliates, parents, any
 18 joint ventures to which they may be a party, and/or each of its employees, agents, officers,
 19 directors, representatives, consultants, accountants and attorneys, including any person who
 20 served in any such capacity at any time, and including in particular Francois Larsen, Amin El
 21 Sokary, Jack Caprice and Isabelle Richard.

22 4. "FAC" refers to YOUR First Amended Complaint in this action.

23 5. The term "COMMUNICATION" means any transmission or receipt of
 24 information of any kind, including, without limitation, in writing, orally, electronically or by any
 25 other means.

26 6. The term "DOCUMENT" shall have the broadest meaning that Rule 34 of the
 27 Federal Rules of Civil Procedure allows, including any writings, drawings, graphs, charts,
 28 photographs, phonorecords, tape recordings, notes, diaries, calendars, checkbooks, books,

1 papers, accounts, electronic or videotape recordings, email, and any computer-generated,
 2 computer-stored, or electronically-stored matter, and other data compilations from which
 3 information can be obtained and translated, if necessary, into reasonably useable form, including
 4 documents stored on laptop computers, personal digital assistants (PDAs), Blackberrys and other
 5 similar devices.

6 7. The terms "RELATE TO" and "RELATING TO" mean concerning, referring to,
 7 summarizing, reflecting, constituting, containing, embodying, pertaining to, involved with,
 8 mentioning, discussing, consisting of, comprising, showing, commenting upon, evidencing,
 9 describing or otherwise having anything to do with the subject matter.

10 8. The term "IDENTIFY" means (a) with respect to a person, that person's: full
 11 name, last known home and business address, responsibilities with respect to the subject matter
 12 of the interrogatory, and the periods of time that person had such responsibilities; (b) with
 13 respect to a corporation, partnership or other business entity: that entity's full name including
 14 any "dba" names, form of organization, and address of principal place of business; (c) with
 15 respect to a document or thing: a description sufficient in specificity such that the document or
 16 thing can be unambiguously obtained by means of such description in a request for production,
 17 and shall include, where applicable, its date, author(s), recipient(s) and present location; (d) with
 18 respect to a COMMUNICATION: a description including the names of the parties to the
 19 COMMUNICATION, the date of the COMMUNICATION, the substance of the
 20 COMMUNICATION, and all documents containing or RELATING TO the
 21 COMMUNICATION; (e) with respect to a fact: a narrative description of the fact, including the
 22 date and details of any event, transaction, statement or otherwise that is the subject of the alleged
 23 fact and the IDENTITIES of any persons, COMMUNICATIONS and/or DOCUMENTS
 24 involved.

25 9. The singular form of any word includes the plural and vice versa.

26 10. The word "and" includes "or" and vice versa.

27 11. "Any" shall mean one or more; "each" shall mean "each and every."

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1 **INSTRUCTIONS**

2 1. If YOU elect to answer any interrogatory pursuant to Federal Rule of Civil
3 Procedure 33(d), YOU must identify the particular documents relating to the subject matter of
4 the specific interrogatory, and separately for each document, the date the document bears, the
5 title of the document, if any, the identity of the authors of the document, the identity of each
6 addressee or recipient of the document, the type and subject matter of the document and the
7 present location or custodian of the document.

8 2. If YOU cannot answer an interrogatory in full, YOU are hereby directed to
9 answer it to the fullest extent possible, specify the reasons for your inability to answer the
10 remainder, and state whatever information or knowledge YOU have concerning the unanswered
11 portion.

12 **INTERROGATORIES**

13 **INTERROGATORY NO. 1:**

14 If YOUR response to Gap, Inc.'s Request for Admission No. 1 was anything other than
15 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
16 support YOUR response.

17 **INTERROGATORY NO. 2:**

18 If YOUR response to Gap, Inc.'s Request for Admission No. 2 was anything other than
19 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
20 support YOUR response.

21 **INTERROGATORY NO. 3:**

22 If YOUR response to Gap, Inc.'s Request for Admission No. 3 was anything other than
23 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
24 support YOUR response.

25 **INTERROGATORY NO. 4:**

26 If YOUR response to Gap, Inc.'s Request for Admission No. 4 was anything other than
27 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
28 support YOUR response.

1 **INTERROGATORY NO. 5:**

2 If YOUR response to Gap, Inc.'s Request for Admission No. 5 was anything other than
3 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
4 support YOUR response.

5 **INTERROGATORY NO. 6:**

6 If YOUR response to Gap, Inc.'s Request for Admission No. 6 was anything other than
7 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
8 support YOUR response.

9 **INTERROGATORY NO. 7:**

10 If YOUR response to Gap, Inc.'s Request for Admission No. 7 was anything other than
11 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
12 support YOUR response.

13 **INTERROGATORY NO. 8:**

14 If YOUR response to Gap, Inc.'s Request for Admission No. 8 was anything other than
15 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
16 support YOUR response.

17 **INTERROGATORY NO. 9:**

18 If YOUR response to Gap, Inc.'s Request for Admission No. 9 was anything other than
19 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
20 support YOUR response.

21 **INTERROGATORY NO. 10:**

22 If YOUR response to Gap, Inc.'s Request for Admission No. 10 was anything other than
23 an unqualified admission, IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend
24 support YOUR response.

25 **INTERROGATORY NO. 11:**

26 Describe the computation of each category of monetary recovery YOU allege YOU are
27 entitled to in this action, including, without limitation, general damages, special or consequential
28 damages (such as lost profits), punitive damages, restitution, disgorgement, interest, and any

1 other categories of monetary recovery you seek.

2 **INTERROGATORY NO. 12:**

3 IDENTIFY all DOCUMENTS that YOU contend support YOUR computation of the
4 monetary recovery to which YOU allege YOU are entitled.

5 **INTERROGATORY NO. 13:**

6 IDENTIFY all DOCUMENTS to which YOU referred in formulating YOUR response to
7 Interrogatory No. 11.

8 **INTERROGATORY NO. 14:**

9 IDENTIFY the amounts and purpose of all payments that YOU have made to GABANA
10 in connection with GAP goods, including without limitation all amounts that YOU paid to
11 GABANA in connection with the OP inventory that YOU allege YOU purchased in YOUR
12 FAC.

13 **INTERROGATORY NO. 15:**

14 IDENTIFY the amounts and purpose of all payments that YOU have made directly to
15 GAP.

16 **INTERROGATORY NO. 16:**

17 IDENTIFY any proposals or agreements, written or oral, between YOU and GABANA
18 RELATING TO YOUR claims against GAP and/or GABANA's claims against GAP.

19 **INTERROGATORY NO. 17:**

20 IDENTIFY any proposals or agreements, written or oral, between YOU and GABANA to
21 toll the statute of limitations for claims YOU may have against GABANA or GABANA may
22 have against YOU.

23 **INTERROGATORY NO. 18:**

24 IDENTIFY every RETAILER that YOU submitted to GAP for approval.

25 **INTERROGATORY NO. 19:**

26 For each RETAILER IDENTIFIED in response to Interrogatory No. 18, IDENTIFY all
27 facts, witnesses and DOCUMENTS that YOU contend support YOUR assertion that YOU
28 submitted such retailer to GAP for approval.

1 **INTERROGATORY NO. 20:**

2 For each RETAILER IDENTIFIED in response to Interrogatory No. 18, IDENTIFY
3 which RETAILERS, if any, for which YOU contend GAP improperly withheld approval.

4 **INTERROGATORY NO. 21:**

5 For each RETAILER IDENTIFIED in response to Interrogatory No. 20, IDENTIFY all
6 facts, witnesses and DOCUMENTS that YOU contend support your claim that it was improper
7 for GAP to withhold its approval.

8 **INTERROGATORY NO. 22:**

9 IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend support YOUR
10 allegation, in paragraph 20 of YOUR FAC, that Jim Bell, along with Larsen and El Sokary,
11 "advised Roots that Gap would grant Roots rights to distribute first-line Gap merchandise in the
12 Middle East through Gap's ISP program in exchange for purchasing the OP."

13 **INTERROGATORY NO. 23:**

14 IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend support YOUR
15 allegation, in paragraph 45 of YOUR FAC, that "the ultimate purpose of the agreement, as
16 negotiated by Gap, Gabana, and Roots, was to confer a benefit—the ISP distribution rights—on
17 Roots as consideration for the purchase [of] the OP inventory."

18 **INTERROGATORY NO. 24:**

19 IDENTIFY all facts, witnesses, and DOCUMENTS that YOU contend support YOUR
20 allegation, in paragraph 46 of YOUR FAC, that "Gap, Roots and Gabana had agreed that Roots
21 would purchase the OP inventory in exchange for the right to distribute first-line ISP
22 merchandise in the Middle East."

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1 **INTERROGATORY NO. 25:**

2 IDENTIFY the person or entity to which YOU directly paid "a total of \$6 million to
3 purchase the OP along with ISP distribution rights" as alleged in paragraph 47 of YOUR FAC.

4

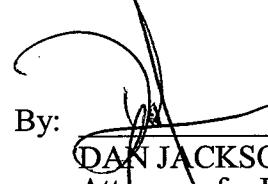
5 Dated: August 23, 2007

KEKER & VAN NEST, LLP

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By:


DAN JACKSON
Attorneys for Defendants
GAP INTERNATIONAL SALES, INC.,
THE GAP, INC., BANANA REPUBLIC,
LLC, and OLD NAVY, LLC

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1 PROOF OF SERVICE

2 I am employed in the City and County of San Francisco, State of California in the office of a
3 member of the bar of this court at whose direction the following service was made. I am over the
4 age of eighteen years and not a party to the within action. My business address is Keker & Van
Nest, LLP, 710 Sansome Street, San Francisco, California 94111.

5 On August 23, 2007, I served the following document(s):

6 **DEFENDANT GAP, INC.'S FIRST SET OF INTERROGATORIES**

7 by **COURIER**, by placing a true and correct copy in a sealed envelope addressed as shown
below, and dispatching a messenger from Worldwide Network, with instructions to hand-carry
8 the above and make delivery to the following during normal business hours, by leaving the
package with the person whose name is shown or the person authorized to accept courier
9 deliveries on behalf of the addressee.

10 Richard A. Jones, Esq.
11 Covington & Burling LLP
One Front Street
12 San Francisco, CA 94111
(415) 591-6000
13 (415) 391-6091 – Fax #
rjones@cov.com

15 by **ELECTRONIC MAIL** to the following email addresses:
16

17 Robert P. Haney, Esq.
18 Bradley Nash, Esq.
Covington & Burling, LLP
19 620 Eighth Avenue
New York, NY 10018
20 Email: rhaney@cov.com
Email: bnash@cov.com

22
23 Executed on August 23, 2007, at San Francisco, California.

24 I declare under penalty of perjury under the laws of the State of California that the above is true
25 and correct.

26
27
28 MARIA S. CANALES